

REMARKS

In the Office Action, Claims 1, 2, 3, 6 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,733,674 to Law et al. in view of U.S. Patent No. 6,119,864 to Kessler et al.; Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Law et al. in view of Kessler and further in view of U.S. Patent No. 6,049,192 to Kfoury et al.; and Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Law et al. in view of Kessler and further in view of U.S. Patent No. 5,954,531 to Jennings et al. Claims 9 and 10 have been objected to as being dependent upon a rejected base claim, and would be allowable if rewritten to include the subject matter of the base claim and any intervening claims.

The Examiner's finding of patentable subject matter in Claims 9 and 10 is respectfully acknowledged.

To advance prosecution of this application, Claim 1 has been amended to eliminate the negative recitation of "no obstruction," and a new Claim 12 is presented that combines the subject matter of Claim 9, which was found to include patentable subject matter, with the subject matter of Claims 1 and 7, from which Claim 9 depended. Claim 9 has been cancelled and the dependency of Claim 10 updated. No new subject matter is presented.

Claims 1-8 and 10-12 are now pending in the application, with Claims 1 and 12 being the independent claims.

In the response to remarks presented in the previous Response, the Examiner stated that Figs. 5A and 6C of Kessler et al. discloses not separating batteries with an obstruction (Office Action page 6). Applicants respectfully disagree, and call the Examiner's attention to the ridges that are distinctly presented in the first alternative embodiment shown in Figs. 5A-5D of Kessler

et al. as well as in the second alternative embodiment shown in Fig. 6C of Kessler et al. As in Fig. 2B of Kessler et al., the ridges shown in Figs. 5A and 6C of Kessler et al. form an obstruction that precludes movement of the batteries. Kessler et al. explains that the ridges form “recesses 140, 142, 144 and 146.” (Col. 4, lines 52-53 of Kessler et al.)

To advance prosecution of this application, Claim 1 has been amended to positively recite the unobstructed intersection that is formed by the intersection of the first battery pack supporting surface of the first slot and the second inside wall of the second slot. None of the cited references, either alone or in combination, disclose such recitation. Accordingly, Claim 1 is believed to be in condition for allowance.

Claim 12, which is the other pending independent claim, combines the subject matter of Claim 9, which was found to include patentable subject matter, with the subject matter of Claims 1 and 7, from which Claim 9 depended. Accordingly, Claim 12 is believed to be in condition for allowance.

Without conceding the patentability *per se* of the dependent claims, Claims 2-8,10 and 11, are believed to be in condition for allowance for at least the above reasons.

The Examiner is invited to conduct a telephone conference or personal interview to facilitate resolution of any remaining matters, and it is respectfully requested that Examiner contact Applicants' attorney at the number given below.

Respectfully submitted,



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